

FEB 23 2006

MARY L.M. MORAN
CLERK OF COURT

1 MAX S. MENDIOLA, pro se
2 Federal Detention Center
3 PO Box 3236
4 Hagåtña, Guam 96932

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

5 UNITED STATES OF AMERICA,

CR-04-00056

6 Plaintiff,

7 -vs-

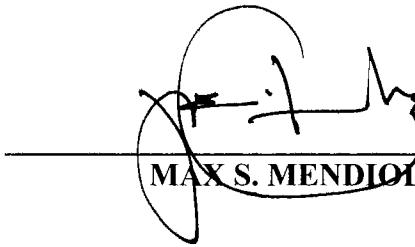
8 MAX S. MENDIOLA,

NOTICE OF APPEAL

9 Defendant.

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11 Pursuant to Rule 4(b), Fed.R.App.P., Max S. Mendiola, an individual
12 incarcerated at the Federal Detention Center in Guam, appeals *pro se* to the Ninth
13 Circuit Court of Appeals the final judgment and sentence entered in this action
14 February 13, 2006.

15 Contemporaneously with the filing of this Notice of Appeal, I am filing a
16 Motion and Affidavit to permit me to proceed *in forma pauperis*.



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20 MAX S. MENDIOLA, pro se
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Proof of Service

I certify that on February 23, 2006, I caused a copy of the foregoing Notice of Appeal to be served upon:

Leonardo M. Rapadas, Esq.
United States Attorney
108 Hernan Cortes Avenue, Suite 500
Hagåtña, Guam 96910
Telephone (671) 472-7332
Facsimile (671) 472-7215

Service was accomplished by delivery of a copy of the Notice of Appeal by messenger to the above-named person at the above named address. Executed this 23rd day of February 2006.

Max S. Mendiola, *pro se*